

## **Audio description for films in Poland: history, present state and future prospects**

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### **ABSTRACT**

Rapid developments in the field of media accessibility for people with sensory impairments can be seen in numerous countries all around the world. Poland is one such country where accessibility services, such as audio description (AD), are becoming part of the audiovisual landscape and start attracting the interest of many, both in the industry and in research circles. This paper sets out to provide a detailed snapshot of the current situation in Poland with regard to the accessibility of films for persons with vision loss. We start with presenting a brief historical outline of the AD for films in Poland and then move on to discuss its present state. Special attention is given to challenges that need to be faced to mainstream accessibility. The data discussed in this article was obtained through literature review, desk research and personal contact with different actors of the AD provision chain in Poland. The results show that although AD is developing rapidly in Poland, it must face challenges in five main areas: (1) delivery and infrastructure; (2) distribution; (3) legislation; (4) communication, cooperation and coordination, and (5) financing.

### **KEYWORDS**

Audio description, accessibility, audio subtitles, cinema, television, legislation.

## **1. Introduction**

According to the Polish Central Statistical Office [GUS], in 2004 there were 1,820,300 people with vision loss in Poland (Kaczmarek 2011). The Polish Association of the Blind [PZN], on the other hand, estimates that in 2011 the number of people with vision loss in Poland amounted to 1,650,800, with 65,000 being members of the Association (Sadowska 2014: 125). These discrepancies may result from the fact that not every blind person is an Association member or that the data gathered by the Office include also those with minor vision loss and they, due to a slight defect of vision, may not sign up to the Association. Regardless of the actual number of persons with vision loss, the AD target group in Poland, a country with a population of almost 40 million people (GUS 2015), is still significant.

If we take a closer look at what is happening in Poland in terms of accessibility for people with vision loss, we will see that AD is not only widely researched (e.g. Chmiel and Mazur 2011a, 2011b, 2014, 2016; Jankowska 2008, 2015, 2018; Jankowska *et al.* 2017; Jankowska and Szarkowska 2016; Krejtz *et al.* 2012; Sadowska 2014; Mazur and Chmiel 2012a, 2012b; Walczak 2016, 2017a, 2017b, 2017c; Zabrocka 2018), but also practiced in a wide-range of settings. Over the last two decades many initiatives have been undertaken to increase access to culture for all. AD made its way to television, VODs, DVDs, cinemas, festivals, theatres, museums, live and sport events (for details see Walczak 2017a and Jankowska 2018).

Due to different factors, such as history, legal regulations, institutional framework, available technologies, training of professionals, to name just a few, that influence the provision of access services, it is difficult to compare the accessibility landscape across different countries. Since AD development and implementation are at various stages in every country, limited evaluation data is available. Therefore, in this article, we present and discuss only the situation in Poland as we believe that any comparisons between the countries, without a thorough analysis of the factors mentioned above, would result in an oversimplification of the issue.

AD for feature films is by far the most popular and widespread type of AD in Poland, and in this paper, we focus on this AD type only. The paper begins by presenting a brief historical outline of Polish AD for films on television and in cinemas. It then goes on to present AD services offered in Poland on television, on DVDs, online, in cinemas and during film festivals. The laws and regulations currently in place, along with guidelines proposed by Polish user associations are then discussed in detail. The next section concentrates on the challenges that the field faces now and will have to meet in the near future as well as possible solutions brought to these challenges by the AudioMovie project.

## **2. From the past to the present**

Having its beginnings in Europe in the late 1980s (Reviers 2016), the first AD for films in Poland was made in the late 1990s in Kraków with financial support from the Ministry of Culture and the Polish Association of the Blind. Polish and foreign films<sup>1</sup> were made available on VHS and DVD through the library of the Polish Association of the Blind. Those films are known as 'typhlo-films,' from Greek 'typhlos' meaning 'blind' (Szarkowska 2009: 198), since the way in which they are prepared differs significantly from standard AD. The main difference lies in the fact that typhlo-films used a freeze frame whenever the AD did not fit between the dialogues. Although this initiative generated real interest among the audiences as it provided them with additional information that otherwise would not be available (Jankowska 2015), it was abandoned due to distribution and copyright problems.

The date of 27 November 2006 can be treated as the day of reactivation or rather the actual beginning of AD in Poland. On that day the first screening of an audio described film took place in the Pokój cinema in Białystok. It was the Polish production *Statyści* (*Extras*). The originator of this initiative was a social activist with vision loss – Tomasz Strzypiński and the role of the describer was performed by Krzysztof Szubzda. Soon afterwards in other cinemas across the country special screenings with AD for people with vision loss were organised. In cities, such as Białystok, Poznań, Elbląg and Łódź, films such as *Ice Age*, *Testosteron* (*Testosterone*), *Wesele* (*The*

*Wedding*) or *U Pana Boga w ogródku* (*In God's Little Garden*) were shown. A number of screenings also took place in Warsaw and were organised by the Foundation for Children Help on Time [Fundacja Dzieciom Zdażyć z Pomocą] as part of its project called *The Cinema beyond Silence and Darkness* [*Kino poza ciszą i ciemnością*]. During the pioneering years AD was read live by voice-talents and delivered in general channel — headphones were not used. One of the successes of the Polish AD pioneers was the screening of Jarosław Sypniewski's *Świadek koronny* (*Key witness*) at the Feature Film Festival in Gdynia in 2007. It was one of the first screenings where AD was made available through headphones hence both audiences with and without vision loss were able to participate. It was also in Gdynia where for the first time AD was offered during an open event and not as a separate service provided specially for people with vision loss. As part of the festival, for the first time in Poland, there was also a special projection with AD for young audiences. It was a Dutch production, *Santa Claus' Horsey*, directed by Mischa Kamp with AD prepared by Anna Jurkowska, a typhlopedagogue from the Polish Association of the Blind (Jankowska 2009: 242). Also, during this screening AD was available through headphones. In addition to Polish films, a number of foreign productions were audio described as well. The screenings of such films as *The Lives of Others* (*Życie na podsłuchu*), *Night at the Museum* (*Noc w museum*) or *Empties* (*Butelki zwrotne*) were organised in the Adria cinema in Bydgoszcz, and the AD and audio subtitles (AST) scripts were read by Joanna Dłuska and Jacek Knychala (Jankowska 2009: 242; Szarkowska 2009: 198).

In the following years other events that were important for the development of the Polish AD took place. From 2007, AD has been produced by Telewizja Polska S.A. [TVP S.A.], the Polish public broadcaster. A selection of series and films were made available through a dedicated website ([www.itvp.pl](http://www.itvp.pl)). The content was password protected and the password was made available to the people with vision loss through the Polish Association of the Blind (Jankowska 2008). They were offered a number of audio described Polish TV series, such as *Ranczo* (*The Ranch*), *Tajemnica twierdzy szyfrów* (*Secret of the Cipher Tower*), *Magiczne drzewo* (*The Magic Tree*), *Ojciec Mateusz* (*Father Mateusz*) and *Rodzinka.pl* (*Family.pl*). Some of them had already been released on DVD. This was the only attempt at making television accessible in the pioneering years — other TV channels did not follow until the introduction of legal requirement of AD on television (see section 3.4).

On 21 February 2008, Andrzej Wajda's film *Katyń* came out on DVD with AD. In 2010, the film *Chopin. Pragnienie miłości* (*Chopin. Desire for Love*) had its premiere with AD created in two languages, Polish and English. In April 2013, the film *Imagine* came out. Thanks to the efforts of the Audio Description Foundation [Fundacja Audiodeskrypcja], it was premiered in the cinemas with AD track for people with vision loss. The screenings were not closed, but available to all audiences. AD was added to the DCP copies and

made available all over the country. Up until that moment films were made available after they premiered on DVD and only in chosen cinemas at special screenings organised by NGOs.

NGOs have also taken on the role of raising awareness both of the society and the industry. One of the first events was organised on 15 January 2014 by the Foundation for Culture without Barriers [Fundacja Kultury bez Barier]. It was a social campaign called *Zabierz łaskę do kina* [Take your stick/chick<sup>2</sup> to the cinema] that aimed at drawing attention to the problem of access to culture for people with vision and hearing loss.

During the pioneering years of AD, Poland experienced many grassroots initiatives. Most of them were carried out voluntarily by enthusiasts. In later years, a dynamic development of AD in Poland was possible mainly thanks to the nongovernment organizations promoting accessibility for people with vision loss. Now, the AD tradition cannot be viewed as being in its infancy, but nevertheless there is still a lot to be done.

### **3. Current situation: an overview**

Films with AD in Poland are delivered to people with vision loss through several channels: on television, on DVDs, available either on the open market or in film libraries, online, in cinemas and during film festivals. ADs are prepared by different agents: distributors, producers, broadcasters and NGOs, to name just a few. Due to the above, information on AD availability is scattered (see section 5.4 for details).

Although there is no official database that gathers data on the exact number of ADs for films available across different European countries, an attempt to create the first database of films with Polish AD was made within the AudioMovie project (<http://szukajad.audiomovie.pl/>). Based on the information gathered in 2016-2017, by 2018 there were at least 500 audio described films in Poland. By the time this article is published, this number will probably have grown, however, due to the lack of funding, the database is temporarily not updated and therefore there is no reliable data to support this claim.

#### **3.1 Television**

Television is probably the most popular medium for AD today. Once the new provisions of the Act of 25 March 2011 amending the Polish Radio and Television Act and other acts (2011) came into force (see section 4 for more details on legislation), commercial channels ceased to be reticent about providing AD to their programmes. Big market players like Canal+, Polsat and TVN now have audio described programmes on offer. Other TV channels, carried by terrestrial digital providers, like Ale kino+, ATM Rozrywka, Puls, Puls2, TTV, TV4, TV6, TVN7, TVP Historia, TVP Kultura, TVP

Polonia do not lag behind much. Among private broadcasters, a few channels stand out from the rest, namely MiniMini+ and teleTOON+, offering accessible programmes for the youngest audiences with both vision and hearing loss (Drożdżał 2015), Planete+ airing audio described documentaries (Szewczyk 2012a) and Polsat Sport News and Canal+ Sport catering for the needs of the sports fans, the former by providing AD service to selected sports programmes (Telewizja Polsat 2015) and the latter mainly to football matches (Szewczyk 2012b).

The Polish National Broadcasting Council [KRRiT] started monitoring the implementation of the Act of 25 March 2011 amending the Polish Radio and Television Act and other acts in 2013 and ever since has been publishing information about accessibility services in their yearly reports. In their report for 2013 (KRRiT 2014), KRRiT states that AD was provided by 31 to 43 TV channels (depending on the quarter). Based on detailed statistics provided by KRRiT (email communication), the percentage of audio described programming oscillated around 0.2% for that year. In 2014 (KRRiT 2015a), AD was offered for 1.8% of yearly broadcasting time. However, it became evident that broadcasters reached this percentage mostly by multiple reruns (KRRiT 2015a). In 2015, 2016 and 2017 (KRRiT 2016, 2017, 2018), AD was provided respectively to 2.4%, 1.6% and 3.2% of yearly broadcasting time.

### 3.2 DVDs

DVDs with AD in Poland include not only Polish productions, such as *Jesteś Bogiem* (*You Are God*), *Miasto 44* (*Warsaw 44*), *Oblawa* (*Manhunt*), *Pod Mocnym Aniołem* (*The Mighty Angel*) or *W ciemności* (*In Darkness*), but also international titles, *Wadjda*, *The Intouchables* or *Fill the Void*, to name just a few. The Oscar-winning *Ida* was also audio described and issued on DVD, with an AD script prepared by the second author of this article. Another quite unique DVD was also recently released. It includes the performances of the State Folk Group of Song and Dance Mazowsze, a famous Polish group established in 1948 with the aim of protecting the folk tradition from destruction and promoting its richness and beauty (Fundacja Kultury bez Barrier n.d.).

In addition to the commercially available DVDs mentioned above, the Library for the Blind [Dział Zbiorów dla Niewidomych] has almost 40 films on offer for its members (DZDN n.d.). Created in 2012 at the initiative of the Masovian Association of Work for the Disabled De Facto, the Online Film Club for the Blind Train [IKF ON Pociąg] also offers films with AD for people with vision loss. They are free of charge in exchange for opinions on the online forum after watching them (De Facto n.d.).

### 3.3 Cinemas and film festivals

Poland has still no cinema that offers AD on a regular basis. This stands in stark contrast to the UK, where more than 300 cinemas screen films with AD (RNIB n.d.), and is due to both lack of films officially distributed with AD and lack of the necessary equipment (see sections 5.1 and 5.2 for detailed discussion of these issues). An ideal situation would be for people with vision loss to attend cinemas together with their sighted friends in a fully integrated manner, but that is still in an early stage of development. For the time being, only sporadic screenings with officially distributed AD are on offer in Poland. While *Imagine* paved the way, other films were soon to follow, including *Chce się żyć* (*Life Feels Good*), *Miasto 44* (*Warsaw 44*), *Carte Blanche* or *Ostatnia rodzina* (*The Last Family*), but that covered only a tiny fraction of the type and number of films open to the general public.

This however does not mean that cinema is not accessible for audiences with vision loss. A number of NGOs organise on more or less regular basis inclusive cinema screenings with AD and subtitles for the deaf and hard of hearing. This is the case of the Foundation for Audio Description Progress Katarynka [Fundacja na Rzecz Rozwoju Audiodeskrypcji Katarynka] in Wrocław, Foundation for Culture without Barriers in Warsaw, Nice People Foundation [Fundacja Mili Ludzie] in Poznań and the Seventh Sense Foundation [Fundacja Siódmy Zmysł] in Kraków as well as a number of smaller NGOs who organise screenings less regularly, on specific occasions.

There are several Polish film festivals that cater for audiences with vision loss by offering AD. The 2011 Etiuda&Anima IFF was the first in Poland to provide AD for part of its programme (Jankowska 2015). In 2013, the KaFFA Festival of films with AD took place in Kraków (KaFFA 2013). In 2015, a few audio described films could also be found, for example, in the programme of the Watch Docs International Film Festival, one of the oldest and largest human rights film festivals in the world (Watch Docs 2015), or the Cinema in Sneakers Festival, devoted to children and young viewers (Kino w Trampkach 2015). Another event providing AD is the Film Music Festival in Kraków. Often taking place in the presence of world-class directors and composers, it is one of the most important festivals in the world of film music. During the festival many concerts are held, but it is the final one that crowns the event with a film screening accompanied by live music performed by an orchestra, choir and soloists. The festival organisers wish to ensure that it is accessible to all spectators, and therefore, thanks to the cooperation with the Seventh Sense Foundation, they offer AD. It has already accompanied blockbuster films, such as *The Matrix*, *Gladiator*, *Star Trek*, *Indiana Jones*, *Titanic* and *Casino Royal* (FMF 2017). Other festivals that provide AD are Transatlantyk (since 2016) (Marta Żaczekiewicz in personal communication), Camerimage (since 2018) (Legalna Kultura 2018) and Netia Off Camera (since 2017) (Fundacja Kultury bez Barrier 2017).

There are also events in Poland specially dedicated to people with vision loss. Among them, the most popular ones are the Warsaw Cultural Week without Barriers [Warszawski Festiwal Kultury bez Barier] and the Płock Culture and Art Festival for the Blind [Festiwal Kultury i Sztuki dla Osób Niewidomych]. The former is an event, during which residents of Warsaw and their guests can meet in theatres, exhibitions, workshops and during film screenings (WTKBB n.d.). The latter is a cultural event with accessible film screenings, theatre plays and concerts, involving many well-known artists and attracting the attention of hundreds of people with vision loss (Blinkiewicz 2014).

### 3.4 Online access

Although at present there is no legal obligation to provide AD online, there are a few services that have it on offer, e.g. the paid VOD service vod.pl (<https://vod.pl/filmy-z-audiodeskrypcja-i-napisami-dla-nieslyszacych>) or freely available VODs of TVP S.A. (<http://www.tvp.pl/dostepnosc/audiodeskrypcja>) and the National Film Archive [FINA] (<https://ninateka.pl/>).

The Katarynka Foundation came up with an even better solution and launched Adapter ([www.adapter.pl](http://www.adapter.pl)), the first ever online cinema with AD. The viewers are invited to join the online premiere screenings every Thursday, at 8 pm. The biggest Polish and some foreign titles, until now unavailable to the audiences with vision loss, can be accessed for free, 24 hours a day, from home, via PC, laptop, tablet or mobile phone. Currently, there are over 200 audio described films. Some of them are also available with subtitles for the deaf and hard of hearing or sign language.

Another interesting initiative is the National Depository of Digital Films with Audio Description [Krajowy Zasób Cyfrowych Filmów z Audiodeskrypcją] (<http://dzdn.pl/filmy-z-audiodeskrypcja/krajowy-zasob-spis/>) – a joint initiative of the state run Library for the Blind and the De Facto Association. Currently library members can access 64 Polish and foreign films with AD.

## 4. Laws, regulations and guidelines

Accessible events are now receiving increasing attention at the legislative level both internationally and locally. The European Union (EU), as well as individual European countries, have already taken various actions aimed at raising awareness and fostering changes to improve the lives of persons with sensory disabilities. The EU, through the Audiovisual Media Services Directive (AVMSD), is encouraging broadcasters to provide services for people with vision or hearing loss. Article 7 of AVMSD (2010) reads:

Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability.

When this article was written, the EU was discussing a proposal for a new Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services – known as the European Accessibility Act – that aims to introduce common accessibility requirements covering products and services across the EU (European Accessibility Act 2015; Moledo 2017). In November 2018, the European Parliament and the Council came to a provisional agreement on the Commission's proposal for the Directive. On 13 March 2019, the European Parliament approved the final version of the Directive (European Parliament 2019). Now the Council of the EU will need to give its formal approval and then the Directive will be published in all the EU languages in the EU's Official Journal. Then, the transposition period of three years on the national level will start.

For the moment, what carries more tangible consequences for Poland is the Act of 25 March 2011 amending the Polish Radio and Television Act and other acts. Article 4(28) provides a clear definition of AD, namely:

audio description means a verbal, sound description of a picture and visual content contained in an audiovisual programme addressed to visually impaired persons, which is included in the programme or transmitted concurrently with the programme. (Act of 25 March 2011 amending the Polish Radio and Television Act and other acts 2011)

Furthermore, Article 18a obliges television broadcasters to offer certain percentage of their programmes accessible for persons with vision and hearing loss. The Article reads as follows:

Television broadcasters are obliged to ensure accessibility of programmes for people with vision or hearing impairments, by introducing appropriate services: audio description, subtitles for the deaf and hard of hearing and sign language interpreting, so that at least 10% of the quarterly transmission time, excluding advertisements and teleshopping, is equipped with such services. (Act of 25 March 2011 amending the Polish Radio and Television Act and other acts)

Implementation of the Act's provisions did not go entirely smoothly though – the percentage quota of the accessibility services was subject to different interpretations. The Act does not precisely indicate whether the statutory requirement of 10% applies to all accessibility services separately or jointly. In the latter case, neither is it clear what proportions should be maintained between individual services. According to organisations lobbying for the rights of people with vision and hearing loss as well as in the Commissioner's for Human Rights opinion, the quota should be understood as 10% per individual accessibility service (Jankowska 2015). However, it was the broadcaster's interpretation that was adopted as binding. In keeping with



this interpretation, the accessibility services for people with vision and hearing loss must jointly comprise at least 10% of the quarterly transmission time, whereas the proportions between them are to be decided at the broadcaster's discretion. In effect, for example in 2017, there were five times more access services on television for people with hearing loss than for people with vision loss as subtitles, compared to AD, are cheaper to produce (KRRiT 2017).

As part of the transitional provisions, the percentage of programmes broadcast with accessibility services mentioned in the Act was reduced to 5% in 2011 for small broadcasters (Chmiel and Mazur 2014: 32). For the leading ones, according to Article 2 of the Bill on the Amendment to the Polish Radio and Television Act (2017), it was planned to be increased to 15% per quarter in 2018, to 25% per quarter in 2019, to 35% per quarter in 2020 and 2021, and finally to 50% per quarter in 2022. This was heavily supported by organisations working for people with hearing and vision loss and by these people themselves (Szczygielska 2017). In February 2018, a campaign was launched in social media to gather votes in a petition for 100% of television accessibility. In 2018 the Act of 22 March 2018 on the Amendment to the Polish Radio and Television Act (2018) was announced. It sets the thresholds for access services at 15% of broadcast per quarter in 2019, 25% in 2020-2021, 35% in 2022-2023 and 50% from 2024 on. In December 2018 KRRiT published the Regulation of the National Broadcasting Council of 15 November 2018 concerning Television Access Services for People with Vision and Hearing Loss that indicates precisely the quota for the different access services. AD quotas for general broadcast are fixed as follows: 2.1% of quarterly broadcast in 2019, 3.5% in 2020-2021, 4.9% in 2022-2023 and 7% from 2024 on. The quotas vary depending on a type of broadcast, that is to say general or specialised (broadcasters whose programming consists of at least 50% of news, children or religious content), a broadcaster's size and audience reach. Internet broadcasters are exempt from providing access services.

Currently, there are no regulations regarding cinema, VOD, and DVD distribution. However, certain changes occur also in this area. In the face of the lack of regulations on the state level, certain cultural institutions have been introducing their own standards. At the beginning of 2016, the Polish Film Institute [PISF], a state institution supporting national film industry, introduced changes to its subsidy award rules. According to the new rules, not only will every film that receives a PISF subsidy be bound to produce an AD track and subtitles for the deaf and hard of hearing, but also to include them in the answer print being the basis of the distribution (PISF 2016).

Besides regulations on media accessibility, there are also AD guidelines that describe the standards and best practices to be applied when producing AD services of good quality. Following other European countries (e.g. Benecke

and Dosch 1997; Ofcom 2000), Poland has also developed its own, national ones, adapted to the Polish cinematic world. They have been drawn up mostly for film and television, and are only mentioning other accessibility avenues, such as theatre or opera, in passing. At the time of writing, there were three official documents concerning the practice of creating AD in Poland, all issued as guidance for professionals. The authors of the first one are Szymańska and Strzymiński (2010), representing the Audio Description Foundation. The other set of guidelines was issued by the Foundation for Culture without Barriers (Künstler *et al.* 2012). The third document was published by the Polish National Broadcasting Council (KRRiT 2015b) and is a compilation of the previously mentioned documents as well as the ITC guidelines (Ofcom 2000), a monograph on AD by Chmiel and Mazur (2014) and the French Audio Description Charter (Morisset and Gonant 2008). In addition to the guidelines, there are other Polish sources concerning AD. One of them is a manual on how to create AD, *Audio description in theory and practice: How to write about things that cannot be seen*. It was edited by Trzeciakiewicz (2014) from the Foundation for Audio Description Progress Katarynka.

## 5. Challenges

Although the enormous progress made in Poland within the last decade should not be underestimated, it is worth noting that the wide access to AD continues to be rather limited. The factors causing this limitation may be qualified within 5 categories: (5.1) delivery and infrastructure, (5.2) distribution, (5.3) legislation, (5.4) communication, cooperation and coordination and (5.5) financing. We discuss each of them below stressing the challenges that need to be faced and suggesting possible solutions. The data presented in the sections below was obtained through literature review, desk research and personal contact with different actors of the AD provision chain in Poland, that is to say describers, accessibility managers, NGO representatives, producers, distributors and end users.

### 5.1 Delivery and infrastructure

In the context of Polish television and cinema, AD and AST are delivered in two ways: on closed channel or on open channel. In other words, the AD track is delivered via headphones — then it is used only by people in the need thereof — or it accompanies the film's soundtrack — then it is heard by the entire audience.

In terms of television, thanks to the digital switch, television viewers may switch on or off extra soundtracks, AD included, on their television sets. Unfortunately, some broadcasters do not want to dedicate the MUX platform throughput to additional soundtracks with AD. This is why certain broadcasters provide AD on open channel at low viewership times, for example in the morning. Currently, there are no solutions which would allow

for the use of AD only by those users who are interested in receiving it. Therefore, if a person with vision loss decides to watch an audio described film, all the remaining users listen to AD as well. One may have serious doubts whether such a solution is the best option and whether it should be a target solution.

As regards cinema screenings, AD provided on open channel was mainly used at the initial stage of AD development in Poland. The main reason was the lack of funds for purchasing or renting of headsets. Currently, this solution is used far less: many organisations or institutions organising screenings obtained financing necessary to buy or rent suitable equipment. An exception is the screenings of films in, for example, special purpose schools and education centres for children with vision loss or at the Polish Association of the Blind where most of the audience use AD and AST. Screenings with AD provided on open channel tend to occur, for example, at film festivals, during special sections with AD or in film discussion clubs only launching their operations related to providing access to films for audiences with vision loss. A motivation behind such a solution is mainly of a financial nature.

In the case of commercial cinema screenings, when AD is provided by the distributor in a DCP package, closed channel is used almost exclusively. However, in the case of the commercial distribution, the problem is not so much the manner of delivery, but the number of cinemas in which it is available at all. The infrastructure required for such a solution is in place in a mere 10.2% of stationary cinemas in Poland (Statistical Office in Kraków 2014). When other cinemas screen films with AD, they rent headsets for a specific period and make them available at selected screenings. These are, however, selected cinemas, mainly belonging to large cinema chains which can afford an outlay that is not covered from ticket sales revenues. Cinemas which cannot afford purchasing or renting headsets resign from providing AD, or where an adequately large group of people with vision loss gets together, they organise special screenings with access tracks broadcast on open channel. However, even if cinemas can afford renting or buying headsets, this solution is far from perfect as the currently used equipment is known to fail: the infrared signal used in this technology has a restricted reach and is easily disturbed.

Given all that, if AD is to become widely available in Polish cinemas, a solution is needed not only to provide content, but also to supply affordable tools that would enable people with vision loss to receive AD on closed channel.

## **5.2 Distribution**

One of the major problems in distribution of AD in Poland is the fact that it is not streamlined by reusing and repurposing. In the case of AD developed

or commissioned by television broadcasters, television is its sole user. AD tracks are aired during television broadcasts, but they are not included in the VOD services operated by the broadcasters. This seems astonishing considering how easy and cheap it is from a technical point of view.

The situation in the cinema seems even more complicated. The specificity of Polish cinema AD is the fact that very few films are introduced into official cinema distribution with AD. In the majority of cases audio described films are screened during special shows for people with vision loss, financed and organised by NGOs or institutions of culture already after premieres in cinema or once films are released on DVD. Hence, most of the above-mentioned 500 films were available to limited audiences, in selected cities, on a specific day and at a specific time. Unfortunately, the change in PISF's subsidy award rules did not bring the expected change even though the producers comply with it. They produce AD and add it to the answer print, but they fail to add it to distribution copies and if they do, they apply an additional charge for making them available. Hopefully this will change as some of the accessibility NGOs are currently working on creating an accessibility coalition with PISF and the Ministry of Culture and National Heritage and the Ministry of Investment and Economic Development that could coordinate different aspects of providing accessible films across different distribution platforms.

NGOs increasingly strive to create AD before a film's cinema premiere to make sure the largest number of viewers across Poland will be able to take advantage of the AD. Unfortunately, they frequently encounter unexpected obstacles. One of them, for example, is the fact that oftentimes distributors attach the AD track only to a small number of DCP copies. Another group of obstacles is cases where producers and distributors who receive AD tracks free of charge expect an NGO to cover the 'AD quality verification costs' and costs of attaching the AD track to the DCP copy. Additionally, NGOs' efforts are frequently in vain, since there are known cases where the AD supplied to producers or distributors is used in the cinema, but it never finds its way to DVDs, television, or VOD services.

Taking a glance at the above-given problems which significantly limit access to AD, it seems that it is necessary to establish a system of alternative distribution and to increase the potential of sharing, reusing, and repurposing.

### **5.3 Legislation and other regulations**

In the case of AD, legal issues should be examined from two points of view: on the one hand, the legislation regulating the introduction of AD and on the other hand, legal practices in producing AD.

When referring to the obligation of AD provision, two previously discussed documents should be currently taken into consideration: legally binding Act of 25 March 2011 amending the Polish Radio and Television Act and other acts (2011) and the Rules of Procedure of the Polish Film Institute – for those receiving a subsidy. From the perspective of time one can see that the adoption of the Directive and the passing of the Act were a watershed event thanks to which AD found its way to television. The difference can be seen in particular in areas not covered by legislation, such as cinema distribution, DVD or VOD, where the lack of regulations translates into substantially lower accessibility or in fact into the lack thereof. For this reason, it seems that the next step to be made is introducing legal regulations in the area of AD in other channels of distribution.

Another problem is the legal status of AD and good practices for its production. Currently there is no binding definition of AD from the legal point of view. The conditions for creating and distributing it in a legal manner are not clearly defined either. When producing it, stakeholders most often treat it like other modes of audiovisual translation, such as subtitling or voice over, for which the legislation exists. However, the service is different in nature and the lack of clear regulations for its production has already led on several occasions, for example, to withdrawing AD from distribution as the distributors were uncertain about the rules for the legal use of the service.

#### **5.4 Communication, cooperation and coordination**

Another problem is the lack of a coordinated system of communication regarding accessibility of AD. It is a problem which affects not only the creation of AD for films, but also, and perhaps first and foremost, all the other accessible events, such as screenings (special events organised by NGOs during which films with AD are shown to audiences with vision loss on a fixed date, hour and place), museums, concerts, sport events, etc.

In the case of AD for television, information on accessibility of AD for a given show is supplied in three ways: by placing a graphic information at the beginning of the show, in teletext, and in TV guides available on broadcasters' websites. This way the information on accessibility of their channels is supplied by public broadcaster TVP S.A. and the largest private broadcasters: TVN S.A. and Polsat. Smaller broadcasters frequently do not do that. It is worth noting, however, that there is no standardised system for designation of available shows – currently every broadcaster uses their own designation system. Moreover, broadcasters' websites do not comply with WCAG 2.0 accessibility requirements (2008), whereas the television guides available online do not have search engines which would assist users with vision loss in fast search of all audio described shows. The only exception is TVP S.A which has launched a special site offering a weekly list of audio described shows. Yet information on accessibility is not available

on websites presenting television guides of various broadcasters. This will hopefully change as soon as the Regulation of the National Broadcasting Council of 15 November 2018 concerning Television Access Services for People with Vision and Hearing Loss obliges the broadcasters to provide information on access services and standardises the designation system. On the top of that in 2018 KRRiT launched a dedicated website ([program.krrit.gov.pl](http://program.krrit.gov.pl)) which gathers information on access services offered by various broadcasters.

As far as cinemas are concerned, currently too few films have been introduced into official cinema distribution with AD to be able to speak of any working system of information. Moreover, the majority of these cinema premieres took place in cooperation with NGOs which took on the obligation of promoting these events, oftentimes even organising group visits at cinemas. If the AD, however, is to become an everyday reality rather than a special event in Polish cinemas, then it will be necessary to think of developing and implementing a standardised system for informing about AD accessibility in cinemas.

In the event of the screenings organised in the frames of activities of NGOs, institutions of culture, or film festivals, etc., the related information is communicated by organisers via social media and the Internet. The majority of them also enjoy a permanent circle of viewers and cooperate with organisations associating people with vision loss. Such a manner of communication is effective, yet its reach is limited.

As we already mentioned, the provision of cinematic AD services in Poland relies heavily on NGOs and cultural institutions that organise film screenings. Such a state of affairs has its positive and negative effects. Among the positive effects one should include the fact that AD is a highly personalised service which entails not only a guarantee of accessibility stemming from the statutory obligation, but also an integrative social event prepared with full commitment. However, a negative effect of such a *modus operandi* is the fact that it is not as widely available as it should. This phenomenon is further aggravated by the lack of tools for cooperation between organisations and institutions providing access services. Another negative effect is the dispersion and lack of exchange of information between organisations. As a result, information on inclusive events reaches limited groups of recipients — friends of a given organisation. Yet another negative effect is the fact that a part of the screenings are one-time events taking place within the area of a given organisation's operation. Moreover, some organisations and institutions, due to financial limitations and unfamiliarity with the law, continue to organise shows with AD read live.

The recent years prove, however, that organisations and institutions do see a need for cooperation. Two initiatives may be given here by means of an example: Adapter ([www.adapter.pl](http://www.adapter.pl)) and Udostępnij się! [Become

Accessible!]] ([www.udostepnijsie.pl](http://www.udostepnijsie.pl)). The Adapter platform (see section 4.3) contains films with AD produced by a variety of organisations and institutions, whereas Udostępnij się! is an all-Poland social campaign aimed at collecting information on available events and locations across Poland. Another increasingly more frequent phenomenon is a mutual exchange and loaning of AD scripts and recordings by organisations operating in different cities.

Considering all this, it is worth taking into account a possibility of creating a systematic solution thanks to which information on available events and locations would be collected in a single place, the access to which would not be dependent on whether somebody knows about the existence of a given organisation or institution or is a member of a given association. Such a solution seems all the more substantiated as many of the initiatives are financed from public funds and their most rational use is worth guaranteeing.

## 5.5 Financing

Circles lobbying for accessibility of the visual and audiovisual culture for people with vision loss had high hopes connected to the legal regulation of AD on television and they have similar high hopes in connection with requirements, counting that the legislative authorisation will solve the issue of AD profitability, the existence of which should not depend on the number of its users (Jankowska 2008: 244).

It seems that the hopes placed in the television accessibility have been fulfilled in a sense, although one should exercise caution in boasting of a success. As we have mentioned (see section 3), due to an unfavourable interpretation of provisions, there is little AD on television. Moreover, seeking to cut costs, broadcasters resort to a variety of practices which often put the sense of their actions into question. One of such practices was the indicating of sport broadcasts with live commentary as audio described shows (Jankowska 2015). Another procedure is providing AD for shows where the AD production cost ratio is low in comparison to the show length, for example talk-shows, interviews, reality-shows, or docudramas. Still another is including rebroadcasted shows or broadcasting audio described shows at low viewership times within the AD percentage. It seems, however, that a part of such actions results not so much from the need to look for savings, as from the unfamiliarity with good practices and needs of people with vision loss, and also from the lack of faith that these people really use AD and that it is not merely a regulation generated by officials.

As this article has already mentioned on several occasions, the cinema AD in Poland is developed mainly by NGOs and institutions of culture. Their activities are financed from the state budget by way of grants for cultural activity. In connection with such a manner of financing inclusive screenings

frequently have the form of open screenings during which people with vision loss may count on assistance in reaching the location and, sometimes, on additional attractions, such as a lecture or refreshments. It seems that there is nothing wrong with such a *modus operandi*, all the more persons with vision loss are often people with a very low income. We shall however try, as *advocati diaboli*, consider some of its negative consequences which in a sense resemble a vicious circle. Let us start with the issue of open screenings. The audiences with vision loss may become used to having a free-of-charge access to cultural events. In consequence, they may become unwilling to bear the costs of tickets for commercial shows with AD. This in turn will result in commercial producers and distributors not seeing much point in creating accessibility services for people with vision loss and it will be difficult to make AD widely accessible. Moreover, already today some organisations providing events with AD suggest that a free entry makes it easier for participants to resign from attending at the last moment. We can risk a statement that in a sense they attach less value to such events. This is why, for the sake of a far-reaching long-term perspective, it is perhaps worth introducing if only a symbolic fee for film screenings with AD. Another dimension of the current *modus operandi* is the fact that AD is in a way served to the distributors on a plate. Neither do they have to worry about it nor to pay for it. It seems that making somebody pay for something they have become used to getting for free may be somewhat tricky. Moreover, the funds awarded for AD development are given by various institutions in various public grant competitions. Currently, there is no possibility of coordinating and controlling who is producing AD and what film they are doing it for. In effect, AD duplication is not uncommon. If in principle there is nothing wrong with producing three different ADs for the same film, still at the present stage of AD development in Poland, it would be preferable to create three ADs for three different films. This situation is frequently quoted as a source of complaints of organisations involved in AD production (Agata Psiuk and Mariusz Trzeciakiewicz in personal communication).

## **6. A possible solution: results of the AudioMovie project**

Among many technological solutions that can improve access to culture for people with sensory impairments are personalised mobile applications. Thanks to them barriers can be eliminated and all users, with or without disabilities, can enjoy, for example, access to films not only on television, but also in cinemas. In many European countries such applications are already available. Film enthusiasts in Italy use the MovieReading application, audiences in Holland have an application called EarCatch, cinemagoers in Spain can download AudescMobile application, Catalonia offers an application called ArtAccés, in Sweden users have Movie Talk application at their disposal, while in Germany, Austria and Switzerland film fans can watch films thanks to Greta and Starks applications (Walczak 2018). Poland is not lagging behind, but apart from offering a simple mobile



application, it went a step further and launched a project aimed at mainstreaming access services across the country.

AudioMovie – Cinema for All ([www.audiomovie.pl](http://www.audiomovie.pl)) is a project realised within the framework of the Social Innovations Programme financed by the Polish National Centre for Research and Innovations (2015-2018). The project is carried out by a consortium of six partners<sup>3</sup> — experts in accessibility research and practice, IT, intellectual property rights as well as cinema industry and implementation research results.

The project has three main goals: (1) analysing the legal status of AD within the framework of Polish and EU regulations and preparing guidelines for the production and reproduction of legal AD as well as setting ground for legal AD sharing; (2) developing an application for mobile devices allowing users to play alternative soundtracks in the cinema and at home; (3) designing a cloud-based service for storing and sharing alternative audio tracks, such as AD, AST, dubbing and voice-over.

When it comes to the AD legal status, in light of the research conducted, it seems that in the context of Polish legislation AD shall be afforded the status of a derivative work subject to copyright protection (Stanisławska-Kloc and Jankowska 2016; Stanisławska-Kloc 2017). This means that for AD to be created legally, specific conditions must be met, including obtaining the consent from copyright owners or producing AD in the frames of the so-called 'fair use'. The Act of 4 February 1994 on copyright and related rights (1994) permits the use of copyrighted material without having to first acquire permission from the copyright holder in various circumstances. One of them is the 'fair use' which allows to create AD without permission for non-lucrative projects that are dedicated exclusively to persons with disabilities (i.e. no admission fee can be applied, an event has to be dedicated exclusively for people with disabilities and some even claim that no one involved in the organisation of the event — describers and voice-talents included — should be remunerated for their work). To facilitate the legal creation and reproduction of AD, a package of template agreements for parties commissioning AD, contractors and subcontractors was created and will be made publicly available.

An alternative, financially competitive, reproduction system was provided through a mobile application that enables to reproduce alternative audio tracks in synchronization with the original image and sound. The application is designed in such a way that it can be used both in the cinema and at home allowing for the alternative audio tracks to be listened to only by these users who need them in order to access the audiovisual content. On the financial side the alternative reproduction developed within the AudioMovie project is significantly less costly for the cinemas and broadcasters.

Last but not least, a cloud-based service was created that allows different players of the AD supply chain (audio describers, NGOs, distributors, broadcasters, producers) to legally store and share audio tracks. The service is also equipped with a searchable data base of the already existing ADs so that both the providers and the users can be aware of what is already available.

## 7. Conclusions

AD is no longer an abstract concept in Poland, but it has only been in the last few years that the service has made significant progress. It is now consistently available on television and recently in cinemas and during live events. Although Poland has made great efforts and advances in the recent years when it comes to mainstreaming television and cinema accessibility, there is still much to be done in the area.

It seems that sensitivity to and awareness of the needs of people with vision loss is growing in Poland, which is commendable and worth appreciating. It is necessary to notice, nevertheless, that the initiatives embarked on frequently fall short of achieving the intended goals due to the lack of knowledge or experience in the area of accessibility. Equally often a lot of energy is dedicated to solving the problems which have already been solved. It seems that what is required is a two-track action. On the one hand, a better communication between researchers and practitioners must be ensured, on the other — trainings for broadcasters and distributors seem necessary to render their efforts not only spectacular, but also effective.

The set of issues presented here has the characteristics of a communicating vessels system. Deficiencies in one area generate shortcomings in the other. It seems, however, that the majority of these problems may be solved thanks to the goodwill, commitment, and cooperation of all the parties engaged and through developing wise systematic solutions. Without them further regulations or good practices will yield no result, while accessibility will continue to be perceived as an unnecessary expenditure.

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## Filmography

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- *Chce się żyć* (2013). Dir. Maciej Pieprzyca.
- *Chopin. Pragnienie miłości* (2002). Dir. Jerzy Antczak.
- *Empties* (2007). Dir. Jan Svěrák.
- *Fill the Void* (2012). Dir. Rama Burshtein.
- *Gladiator* (2000). Dir. Ridley Scott.
- *Ice Age* (2002). Dir. Chris Wedge.
- *Ida* (2013). Dir. Paweł Pawlikowski.
- *Imagine* (2012). Dir. Andrzej Jakimowski.
- *Indiana Jones* (1981). Dir. Steven Spielberg.
- *Jesteś Bogiem* (2012). Dir. Leszek Dawid.

- *Katyń* (2007). Dir. Andrzej Wajda.
- *Magiczne drzewo* (2008). Dir. Andrzej Maleszka.
- *Miasto 44* (2014). Dir. Jan Komasa.
- *Miś* (1981). Dir. Stanisław Bareja.
- *Night at the Museum* (2006). Dir. Shawn Levy.
- *Obława* (2012). Dir. Marcin Krzyształowicz.
- *Ogniem i mieczem* (1999). Dir. Jerzy Hoffman.
- *Ojciec Mateusz* (2008). Dir. Maciej Dejczer *et al.*
- *Ostatnia rodzina* (2016). Dir. Jan P. Matuszyński.
- *Pod Mocnym Aniołem* (2014). Dir. Wojciech Smarzowski.
- *Potop* (1974). Dir. Jerzy Hoffman.
- *Psy* (1992). Dir. Władysław Pasikowski.
- *Ranczo* (2006). Dir. Wojciech Adamczyk.
- *Rio Bravo* (1959). Dir. Howard Hawks.
- *Rodzinka.pl* (2011). Dir. Patrick Yoka.
- *Santa Claus' Horsey* (2005). Dir. Mischa Kamp.
- *Sara* (1997). Dir. Maciej Ślesicki.
- *Seksmisja* (1983). Dir. Juliusz Machulski.
- *Star Trek* (2009). Dir. Jeffrey Jacob Abrams.
- *Statyści* (2006). Dir. Michał Kwieciński.
- *Świadek koronny* (2007). Dir. Jarosław Sypniewski.
- *Tajemnica twierdzy szyfrów* (2007). Dir. Adek Drabiński.
- *Tato* (1995). Dir. Maciej Ślesicki.
- *Testosteron* (2007). Dir. Andrzej Saramonowicz and Tomasz Konecki.
- *The Horse Whisperer* (1998). Dir. Robert Redford.
- *The Intouchables* (2011). Dir. Olivier Nakache and Eric Toledano.
- *The Lives of Others* (2006). Dir. Florian Henckel von Donnersmarck.
- *The Magnificent Seven* (1960). Dir. John Sturges.
- *The Matrix* (1999). Dir. Andy Wachowski and Lana Wachowski.
- *The Scent of Woman* (1992). Dir. Martin Brest.
- *Titanic* (1997). Dir. James Cameron.
- *U Pana Boga w ogródku* (2007). Dir. Jacek Bromski.
- *Vabank* (1982). Dir. Juliusz Machulski.
- *Wadjda* (2012). Dir. Haifaa Al-Mansour.
- *W ciemności* (2011). Dir. Agnieszka Holland.
- *Wesele* (2004). Dir. Wojciech Smarzowski.



## Biographies

**Anna Jankowska**, PhD, is Assistant Lecturer in the Chair for Translation Studies and Intercultural Communication at the Jagiellonian University in Kraków (Poland) and visiting scholar at the Universitat Autònoma de Barcelona within the Mobility Plus program of the Polish Ministry of Science and Higher Education (2016-2019). Her recent research projects include studies on mobile accessibility and software (AudioMovie - Cinema for All and OpenArt - Modern Art for All), the viability of translating audio description scripts from foreign languages, multiculturalism in audio description, audio description for foreign films and the history of audiovisual translation. She is also the founder and president of the Seventh Sense Foundation which provides audio description and subtitles for the deaf and hard of hearing, accessibility training and runs social campaigns to raise awareness. Member of the European Association for Studies in Screen Translation (ESIST) and the Polish Audiovisual Translators Association.



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**Agnieszka Walczak** holds a PhD from the Universitat Autònoma de Barcelona. In her doctoral dissertation, written within the framework of the European project Hybrid Broadcast Broadband for All (<http://hbb4all.eu>), she focused on the aspect of immersion in audio description. Agnieszka is a member of the TransMedia Catalonia research group and AVT Lab research group. She holds a Master's degree in Applied Linguistics from the University of Warsaw. She graduated with honours, defending the first thesis in Poland on text-to-speech audio description. She has also completed postgraduate studies on audiovisual translation at the University of Social Sciences and Humanities in Warsaw. The main area of her research interests concerns audio description with special focus on its quality aspects and its use in educational contexts. Member of the European Society for Translation Studies (EST), the European Association for Studies in Screen Translation (ESIST) and the Polish Audiovisual Translators Association (STAW). She professionally works as a subtitler and audio describer.



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## Notes

<sup>1</sup> The exact number is unknown, but some claim that even as many as 50 typhlo-films were prepared. Some of the titles are: *Miś* (*Teddy Bear*), *Ogniem i mieczem* (*With Fire and Sword*), *Potop* (*The Deluge*), *Psy* (*Dogs*), *Sara* (*Sara*), *Seksmisja* (*Sexmission*), *Tato* (*The Daddy*), *Vabank* (*Va banque*), *Rio Bravo*, *The Magnificent Seven*, *Titanic*, *The Scent of Woman* and *The Horse Whisperer* (Jankowska 2015).

<sup>2</sup> Play on words. The word 'laska' has two meanings in Polish, it can stand either for a white stick a visually impaired person is using for walking or, informally, for a girl.

<sup>3</sup> Seventh Sense Foundation (leader), Foundation for Audio Description Progress Katarynka, Jagiellonian University in Kraków, the Institute of Innovative Technologies EMAG, Kino Pod Baranami (cinema) and Centre of Technology Transfer EMAG.